

Remarks/Arguments

This Amendment and the following remarks are intended to fully respond to the Office Action mailed April 4, 2007. In that Office Action the Specification was objected to because of informalities and the Drawings were objected to for failing to comply with 37 C.F.R. 1.84(p)(4). Additionally, claims 1-17 were examined, and all claims were rejected. More specifically, claims 5-17 were rejected under 35 U.S.C. § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter; claims 14-17 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter; and claims 1-17 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Bangs et al. (USPN 5802380) (hereinafter "Bangs"). Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 1-5, and 14-17 have been amended. No claims have been canceled and no new claims have been added.

Interview Summary

The undersigned thanks Examiner Adam Basehoar for the telephone interview conducted on August 3, 2007. During the interview, some proposed claim amendments were discussed. Examiner Basehoar indicated that the amendments to claims 14-17 would overcome the rejections under 35 U.S.C. § 101. The undersigned also explained the distinctions between the Bangs reference and the claimed invention. Examiner Basehoar indicated that he would consider the differences in his next review. No agreement was reached on allowance of claims.

Objection to the Specification

The specification is objected to because of informalities. The specification has been amended to correct these informalities. Specifically, Text store reference number 304 on page 6, line 31 and page 7, line 1 has been amended to recite reference number 306; text object model reference number 306 on page 6, line 33 has been amended to reference number 304; and line 17 on page 7 has been amended to recite a non-abstract class "TextHighlight." Finally, Figure 3 has been amended to include reference number 300. In light of these amendments, the objection is now moot. Applicants thank the Examiner for pointing out these informalities.

Objection to the Drawings

The drawings were objected to for failing to comply with 37 C.F.R. 1.84(p)(4). Specifically, the reference character 150 was used to designate both software in Figure 1 and the Friendly text abstract layer in Figure 1. Figure 1 has been amended such that reference number 150 only designates the Friendly text abstract layer. A replacement sheet for Figure 1 is included with this amendment. In light of this amendment, this objection is now moot.

Additionally, as noted above, Figure 3 was amended to include reference number 300 in response to the Office Action's objection to the specification for including a reference number that was not in the drawings. A replacement sheet for Figure 3 is included with this amendment. Applicants thank the examiner for pointing this out.

Claim Rejections – 35 U.S.C. § 112

Claims 5-17 were rejected under 35 U.S.C. § 112 second paragraph because the office action asserted the claims were indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, the claims were rejected for insufficient antecedent basis. Independent claim 5 has been amended to recite a video display and claim 14 has been amended to recite a computer storage medium encoding a computer program of instructions for executing a computer process of editing objects displayed by a computer system, said computer process comprising. The antecedent basis for both the video display in claim 5 and the computer process in claim 14 have been provided. In light of these amendments, this rejection is now moot.

Claim Rejections – 35 U.S.C. § 101

Claims 14-17 were rejected under 35 U.S.C. § 101 because the office action asserted the claims were directed to non-statutory subject matter. Independent claim 14 has been amended to recite a computer storage medium encoding a computer program of instructions for executing a computer process of editing objects displayed by a computer system. The computer process recited in claim 14 is encoded on computer storage media. According to the specification, "[c]omputer storage media includes, but is not limited to, RAM, ROM, EEPROM, flash memory or other memory technology, CD-ROM, digital versatile disks (DVD) or other optical storage, magnetic cassettes, magnetic tape, magnetic disk storage or other magnetic storage devices, or any other medium which can be used to store the desired information and which can accessed by

system.” (Specification, p. 6, ll. 3-6). The computer process recited in independent claim 14 are encoded in a tangible, computer readable medium and are, thus, patentable subject matter under 35 U.S.C. § 101. *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). Claims 15-17 depend from claim 14 and, for at least the same reason, are also patentable subject matter under 35 U.S.C. § 101.

Claim Rejections – 35 U.S.C. § 102

Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Bangs. Applicants respectfully traverse the § 102(b) rejections because either the office action has failed to state a *prima facie* case of anticipation or the current amendments to the claims now render the arguments in the office action moot. A *prima facie* case of anticipation can be met only where the reference teaches each and every aspect of the claims. See MPEP §§ 706.02 & 2133. Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. v. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”).

Independent claims 1 and 14 have been amended to recite, *inter alia*, “wherein the text data model abstraction layer provides access to a text store and is invoked by a text editing layer for performing text editing operations.” Support for this claim amendment can be found at least in FIG. 1 and the associated description in the specification on page 4, line 11-page5, line 22. These amendments further distinguish the claims from the disclosure of Bangs.

Amended claim 1 recites the use of two layers, a text editing layer and a data model abstraction layer. As claimed in claim 1 and described in the specification (page 9, line 10-page 12, line 55), the data model abstraction layer provides access to a text store and also provides very basic text manipulation functionality of the data stored in the text store. The ability to abstract text store access and basic text manipulation functionality allows the text editing layer to be used by more than one application. In other words, an application is not required to implement its own text editing code; rather the text editing code in the text editing layer can be shared by a number of different applications. This significantly reduces the time and costs required to develop applications that require text editing functionality.

Bangs fails to teach the two layers recited in amended claim 1. Bangs teaches only a single layer that provides basic text manipulation functions as well as high-level text editing functionality. Because Bangs does not provide a text data model abstraction layer as recited in claim 1, each application that implements the API in Bangs necessarily includes code for implementing the text editing functionality. That is, the API disclosed in Bangs does not allow an application to share text editing code. Therefore, claim 1 is distinct from and allowable over Bangs. Furthermore, claims 2-4 depend upon claim 1 and are allowable for at least the same reasons.

Independent claim 5 is directed to a system that includes “a memory coupled with and readable by the processor and containing instructions that . . . read a set of properties related to the container in which the object is displayed to determine a type for the container.” The office action asserts that column 8, lines 42-52 of Bangs discloses this element. Bang states:

TOM allows multiple. ranges to be defined within a story. For example, a first range can be defined initially with a start character position of 15 and an limit character position of 25, and a second range can be defined initially with a start character position of 30 and an limit character position of 35. TOM provides the functionality to manipulate the characters within a range "independently" of other ranges. Continuing with the example, the first range can be deleted, copied, replaced, or expanded, or have its character and paragraph formats changed without affecting the characters in the second range.

Bangs, col. 8, lines 42-53.

The cited language in Bangs describes *how* an object is defined. That is, the language describes that a start character position and a limit character position define a range within a story. This is not the same as “read[ing] a set of properties related to the container in which the object is displayed to determine *a type* for the container,” as recited in claim 5. As the specification describes, the type of container can be “a window or another type of container such as a desktop, a document, a folder, or other object.” *Detailed Description*, page 3, line 28-29. Accordingly, indicating the character positions that define an object is not the same as reading parameters of an object and determining a type for the container as required by claim 5. For at least this reason, claim 5 is distinct from Bangs. Claims 6-13 depend upon claim 5 and are allowable for at least the same reasons.

Claim 14 is directed to a computer storage medium encoding a computer program of instructions for executing a computer process of editing objects displayed by a computer system. As described above, independent claim 14 has also been amended to recite “wherein the text data model abstraction layer provides access to a text store and is invoked by a text editing layer for performing text editing operations.” For the same reasons as described above with respect to claim 1, claim 14 is also distinct from Bangs. Additionally, claims 15-17 depend upon claim 14 and are allowable for at least the same reasons.

Conclusion

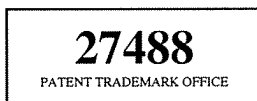
This Amendment fully responds to the Final Office Action mailed on April 4, 2007. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

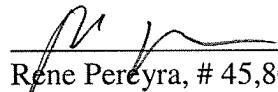
It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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Rene Percyra, # 45,800
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
303.357.1637